

**House State & Local Government Committee Amendment NO. 1**

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 1064\***

**House Bill No. 1427**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting the language after the enacting clause in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 52, is amended by adding Sections 2, 3 and 4 hereof as a new part.

SECTION 2. Every municipality operating an electric plant whether pursuant to this chapter or any other public or private act or the provisions of the charter of a municipality, county, or metropolitan government, has the power, and is authorized, on behalf of its municipality acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to form, wholly own and operate a business corporation under the laws of this state for the purpose of owning, acquiring, improving, operating, leasing and maintaining within and/or without the corporate or county limits of such municipality, and, with the consent of other such municipality, within the corporate or county limits of any other municipality, telecommunications services and to provide telecommunications services to any person, firm, public, or private corporation, or any other user or consumer of telecommunications services, in compliance with Chapters 4 and 5 of Title 65, Tennessee Code Annotated, and all other applicable laws, rules and regulations.

SECTION 3. Unless the context otherwise requires, the term “telecommunications service” means offering or providing for hire, any two-way communications service, telephone service, telegraph service, paging service, or communications service similar to such services, regardless of the facilities used to provide such services, unless otherwise exempted from this definition by state or federal law.

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SECTION 4. Notwithstanding any provision of this act to the contrary, a municipal electric system shall not provide telecommunication services unrelated to its electric service within the service area of an existing telephone cooperative with fewer than one hundred thousand (100,000) total access lines organized and operating under the provisions of Tennessee Code Annotated, Section 65-29-101 et seq; and therefore shall adhere to those regulations of the 1995 Tennessee Telecommunications Act and rules of the Tennessee Regulatory Authority which are applicable to the Telephone Co-ops, and specifically Tennessee Code Annotated, Sections 65-4-101 and 65-29-130.

SECTION 5. Tennessee Code Annotated, Section 7-52-117(d), is amended by deleting the words, figures and punctuation “, or in counties that have adopted a metropolitan government, not to exceed two thousand dollars (\$2,000)”.

SECTION 6. Tennessee Code Annotated, Section 7-52-102 (10), is amended by inserting the language “metropolitan government, “between the language “county,” and the word “incorporated”.

SECTION 7. This act supersedes any conflicting provisions of general law, private act, charter, or metropolitan charter provisions.

SECTION 8. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring  
it.

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